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- * Independent Living Resource Center of San Francisco
- * Self Help for Hard of Hearing People-California
- * Deaf Counseling, Advocacy, and Referral Agency
- * California Association of the Deaf
- * California Center for Law and the Deaf
- * Hearing Society for the Bay Area
- * Association of Late Deafened Adults
- * Oakland Mayor's Commission on Disabled Person
- * Gallaudet University Regional Center
- * Bay Area Communication Access
- * KGO TV
- * KRON TV
- * KPIX TV
- * KTVU TV
- * Cheetah Systems
- * Action Caption
- * Bay Area Captioning
- * Mission Peak
- * CTV Captioning
- * Vidiocopy Caption Center
- * California Broadcaster's Association
- * California Office of Emergency Services
- * D.E.A.F. Media
- * FCC San Francisco Office

February 20, 1998

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

In response to the Federal Communication Commission's Further Notice of Proposed Rulemaking dated January 9, 1998, MM Docket No. 95-176/In the Matter of Closed Captioning and Video Description of Video Programming, Video Programming Accessibility, Californians for Television Access (CAL-TVA) herein submits its comments relating to closed captioning of emergency information.

We are providing an original and 11 copies and a computer disk copy of our comments in both MS Word 7.0 format and in Word Perfect 5.0 format.

If there are any questions or further information is needed, I can be reached at: (510) 228-3040 Voice and Fax; (510) 228-7408 TTY; and EMAIL: d.senger@juno.com.

Sincerely,

Don Senger
Co-chair

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List A B C D E

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Closed Captioning and Video Description)
of Video Programming)
)
Implementation of Section 305 of the)
Telecommunications Act of 1996)
)
Video Programming Accessibility)

MM Docket No. 95-176

Californians for Television Access (CAL-TVA) wishes to provide the Federal Communications Commission the following comments in response to the Commission's Further Notice of Proposed Rulemaking, dated January 9, 1998, relating to the Closed Captioning Order and accessibility of emergency information.

In order for broadcast licensees to make the emergency information programming that they transmit fully accessible to persons who are deaf or hard of hearing, real-time captioning is needed. However, we acknowledge that initially there may be difficulty in securing quality captioning services as well as obtaining the necessary funding for such services. Therefore, it would seem appropriate that real-time captioning of emergency information by broadcasters be phased in similar to the timetables given in the Report and Order, MM Docket No. 95-176, "Closed Captioning Order", but with higher priority than that given for normal video programming.

In the meantime, television stations unable to provide real-time captioning during emergency broadcasts should provide appropriate alternatives to deaf and hard of hearing viewers, such as electronic newsroom captioning, use of the second text channel, and use of graphics, slides and other visual or textual messages that convey essentially the same emergency information given in the audio broadcast.

We are therefore in agreement with the Commission's tentative conclusion that any textual presentation of emergency information programs should be required to incorporate substantially the entire text of the audio portion of the program. We also agree with the Commission that emergency information should be more broadly defined

to include warnings and watches of impending changes in weather affecting the safety of viewers, since early warnings before an impending emergency situation can help save lives and reduce property damage.

It should be noted that there are two kinds of emergency information broadcasts: 1) warnings, watches or alerts, such as Emergency Alert System activation, issued by such agencies as the National Weather Service or State Office of Emergency Services, and 2) bulletins and special reports prepared by local television newsrooms. Each has its own problems.

Emergency Alert System (EAS):

With EAS alerts, the basic problem is that the text or screen crawl message does not match that of the audio message. As an example, on February 2, 1998, the EAS was activated for the San Francisco Bay Area and provided a screen crawl stating that a flood alert was in effect for Marin, Napa, Contra Costa, Alameda, San Francisco, Santa Cruz and Santa Clara counties. No additional information was given. The audio portion of the message, however, provided more detailed information as to locations of the alert, such as Napa River, Russian River, Santa Cruz coastline, and the city of Walnut Creek. In another situation, an EAS flood warning in Sacramento, California, had residents in a state of confusion and near-panic: the screen crawl message requested all residents of Sacramento County to evacuate whereas the audio message requested only the residents of the city of Marysville in Sacramento County to evacuate. Accordingly, people who can hear the audio portion of an emergency message are better informed and have more information to act upon than deaf or hard of hearing viewers who only see the screen crawl.

However, there is a stumbling block. Before television stations can broadcast textual information that matches that of the audio message, the Commission needs to adopt EAS text standards for emergency broadcasts. Initially, the Commission kept the EAS rules flexible enough to allow such text transmissions but did not wish to restrict the development on the part of any manufacturer who may wish to provide such information. The EAS equipment currently being manufactured can decode additional FSK information that is sent at the EAS baud rate,

but there is no current standard. For reasons of development costs and proprietary ownership, equipment manufacturers do not wish to undertake and propose such standards.

The Society of Broadcast Engineers has proposed a method for textual messages within the EAS protocol that EAS equipment manufacturers could support. This proposal was submitted to the Commission in October, 1997. If a standards group, such as the Society of Broadcast Engineers, were to promulgate a standard for the transmission of text within the EAS protocol, then manufacturers could all build to that standard, open and non-proprietary.

Once text standards are approved by the Commission, the Commission should enforce a requirement that both EAS audio and textual messages be identical.

Television Newsrooms:

Bulletins and special reports broadcast by local television newsrooms involve more extensive reporting of an emergency situation. As the Commission has noted, these reports are often unscripted and thus prevent use of electronic newsroom captioning, which could serve as an acceptable substitute in instances where real-time captioning cannot be provided. Consequently, unless the broadcast is real-time captioned, deaf and hard of hearing viewers do not receive the same information that people with normal hearing hear from the audio portion of the broadcast and are unable to make appropriate decisions to protect their lives and property.

There are a number of ways local television broadcasters could incorporate real-time captioning into their emergency news broadcasts:

1. Use local and remote real-time captioning resources. In the San Francisco Bay Area, all four network affiliates have contracts with captioning agencies to provide real-time captioning during their emergency news broadcasts. Two of these stations use local captioning resources and the other two use out-of-state captioning resources. For the out-of-state captioning resources, such as Caption

Colorado, captioners are provided from anywhere in the United States. All they need are dedicated telephone lines for receiving the stations audio transmission and for transmitting the captioned text to the station's encoder.

Accordingly, we can confirm from experience that providing live captions remotely in emergency situations is feasible and the captioning resources are available nationally. An emergency disaster being reported on the West Coast can be real-time captioned by a captioner on the East Coast without difficulty.

2. In areas where small local stations cannot afford the cost of extensive real-time captioned reporting, consideration should be made to:
 - A. Rotate or share the responsibility between the affected local stations so that at least one station includes real-time captioning during an emergency news broadcast.
 - B. Use the second text channel to provide a complete transcript of the emergency information, broadcasting it within 10 minutes of the audio transmission, as CAL-TVA previously proposed.
 - C. Establish or contact a local or statewide coalition of representatives from television stations, deaf and hard of hearing communities, captioning agencies, and local and state emergency services agencies, to develop a local plan for informing deaf and hard of hearing residents of emergency situations. To insure that reasonable solutions can be implemented, it is important that both the television stations understand the needs of their hearing impaired viewers and also that deaf and hard of hearing viewers understand the capabilities and limitations of the television stations serving their community.

As an example, CAL-TVA serves as an excellent role-model for such a

coalition. Comprised of California representatives of services and agencies serving people who are hard of hearing or deaf, captioning agencies, local television stations, California Office of Emergency Services, California Broadcasters Association, and others, its team efforts have resulted in making the San Francisco Bay Area the only area in the nation known to have all four network affiliates providing real-time captioning during emergency news broadcasts. It also is the only area in the nation where three of the network affiliates real-time caption their local news broadcasts while the fourth uses electronic newsroom captioning. The coalition has served as a resource to other television stations both within and outside the state of California.

Multichannel Video Program Distributors ("MVPDs"):

Since cable television stations are mostly automated and have no newsrooms of their own, providing real-time captioning of emergency information would not apply. Transmission of EAS emergency information by cable stations is already covered under other FCC regulations that are to be implemented beginning in December, 1998. Generally, cable stations carry signals from the local television stations that would be broadcasting the emergency information in more detail on their, hopefully, real-time captioned emergency news reports.

Real-time Captioning Costs:

Current fees for real-time captioning may prevent television stations from pursuing immediate implementation of real-time captioned emergency broadcasts, or may limit how much time a station can allocate for real-time captioning. Those fees are expected to come down as demand and competition increases. In the meantime, television stations should actively seek funding through advertisers and consider establishing a centralized fund at each television network's headquarters for providing extensive local emergency broadcasts and related real-time captioning.

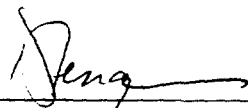
Further, the Federal Emergency Management Agency (FEMA) should provide some financial assistance for real-time captioning to the extent it provides other financial assistance in disaster areas where property and/or life are endangered. This is not to say that the FEMA should pay ALL emergency captioning costs, but rather that it should help reimburse stations for a portion of their costs for providing this service -- particularly for stations facing financial hardships.

Another option would be to provide tax credits to stations that provide real-time captioning for emergency broadcasts.

Service:

These comments are respectfully submitted to the Federal Communications Commission on behalf of Californians for Television Access (CAL-TVA) and its members.

Submitted on February 20, 1998

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